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Attorneys for Defendants

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

ROBERT DRAKE EWBANK,

Plaintiff,

v.

JEFF W. EMRICK, et al,

Defendants.

Case No. 6:17-cv-00187-MK

DECLARATION OF NICHOLAS  
MANCUSO IN SUPPORT OF  
DEFENDANTS' REPLY

**I, Nicholas Mancuso, declare:**

1. I am employed as a Senior Assistant Attorney General with the Oregon Department of Justice. I am currently assigned to represent Defendants in the above-captioned matter.

2. Attached hereto as **Exhibit 1** is a true and correct copy of an Order, issued by the Ninth Circuit in *Ewbank v. Emrick, et al.*, Case No. 18-35873, dated November 26, 2018.

3. Attached hereto as **Exhibit 2** is a true and correct copy of Appellant's Statement That The Appeal Should Go Forward, filed in *Ewbank v. Emrick, et al.*, Case No. 18-35873, dated January 3, 2019.

4. Attached hereto as **Exhibit 3** is a true and correct copy of an Order, issued by the Ninth Circuit in *Ewbank v. Emrick, et al.*, Case No. 18-35873, dated April 23, 2019.

5. Attached hereto as **Exhibit 4** is a true and correct copy Appellant's Opening Brief, filed in *Ewbank v. Emrick, et al.*, Case No. 18-35873, dated November 3, 2020.

6. Attached hereto as **Exhibit 5** is a true and correct copy Appellees' Brief, filed in *Ewbank v. Emrick, et al.*, Case No. 18-35873, dated January 14, 2021.

**I declare under penalty of perjury that the foregoing is true and correct.**

EXECUTED on August 25, 2023.

s/ Nicholas Mancuso  
NICHOLAS MANCUSO  
Senior Assistant Attorney General

**CERTIFICATE OF SERVICE**

I certify that on August 25, 2023, I served the foregoing DECLARATION OF NICHOLAS MANCUSO IN SUPPORT OF DEFENDANTS' REPLY upon the parties hereto by the method indicated below, and addressed to the following:

Robert Drake Ewbank  
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*Pro Se Plaintiff*

☐ HAND DELIVERY  
☒ MAIL DELIVERY  
☐ OVERNIGHT MAIL  
☐ TELECOPY (FAX)  
☒ E-MAIL  
☐ E-SERVE

s/ Nicholas Mancuso  
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